

REMARKS

The Office Action included an election of species requirement and indicated that in a telephone interview of August 25, 2006, Applicants representative Theodore M. Magee elected claims 5, 9-10, 12 and 14. Applicants hereby confirm this election and have canceled claims 31-33.

In the Office Action, claim 5 was indicated as being allowed. With the present amendment, new dependent claims 34-43 have been added that depend from allowed independent claim 5. Since claim 5 has been indicated as being allowed, these dependent claims are also allowable over the cited art.

Applicants have also added new claim 55, which represents claim 5 re-written as a device claim rather than a method claim. The method steps found in claim 5 are present in claim 55. Support for the device elements found in claim 55 can be found on page 9, line 22 to page 10, line 24 (a tilt sensor), page 13, line 16 to page 17, line 12 (a context information server), and page 23, lines 19-22 (applications 802). Since the device elements are shown in the specification and the actions taken by those elements have been indicated as being allowable in claim 5, claim 55 is allowable over the cited art.

Claim 12 was also indicated as being allowed in the Office Action. With the present amendment, new claims 44-54 have been added that depend from claim 12. Since claim 12 has been indicated as being allowed, claims 44-54 are in form for allowance.

CLAIM 9

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ali et al. (U.S. Publication 2002/0140675 A1, hereinafter Ali) in view of Stove et al. (WO 98/14863, hereinafter Stove).

Independent claim 9 provides a method in a device having a display. The method includes generating at least one sensor signal using at least one sensor in the device. A tilt context value that indicates how the device is tilted is then generated based on at least one sensor signal. A display orientation context value that describes the orientation of a display is changed based on the tilt context value unless the tilt context value is being used to control scrolling of an image on the display. The combination of Ali and Stove does not show or suggest the invention of claim 9, because the combination does not show or suggest changing a display orientation context value based on a tilt context value unless the tilt context value is being used to control scrolling of an image.

Ali shows changing the orientation of a display based on a tilt sensor signal. Stove shows scrolling a displayed image based on a tilt sensor. Simply combining these two references would result in a device that will change the orientation of a display while a user is attempting to scroll an image. For example, in the combination suggested by the Examiner, if the user tilts the device too far to the left during scrolling, the image will rotate ninety degrees. This would be very annoying to users, and neither reference discusses this problem or suggests a solution to this problem.

The invention of claim 9 avoids this problem by conditioning changes to the display orientation context value on whether or not a tilt context value is being used to control scrolling. This is found in claim 9 in the limitation to changing a display orientation context value based on the tilt context value unless the tilt context value is being used to control scrolling of an image on the display. (See page 20, line 23 - page 21, line 27 of the specification for a discussion of the problem addressed by claim 9). Because neither Ali nor Stove show or suggest conditioning changes in a display orientation context

value on whether or not a tilt context value is being used for scrolling, their combination does not show or suggest the invention of claim 9.

Claim 14

Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Lands in view of Harrison.

Claim 14 provides a method in which at least one sensor signal is used to generate a holding context value that indicates that a user is holding the device. An orientation context value is also generated that indicates that the device is in an orientation consistent with the user wanting to use the device. Based on the holding context value and the orientation context value, a sound capturing application is activated.

None of the cited references show or suggest initiating a sound capturing application based a holding context value and an orientation context value. With this Amendment, an Information Disclosure Statement is being filed to submit Mantyjarvi et al. (U.S. Patent Publication 2001/0044318, hereinafter Mantyjarvi). In paragraph 0008, Mantyjarvi discusses using Galvanic Skin Response to automatically answer a phone call.

The combination of Mantyjarvi with the cited references does not show or suggest the invention of claim 14. In particular, there is no suggestion in any of the references for using both a holding context value and an orientation context value to activate a sound capturing application because none of the references show or suggest using an orientation context value to activate an application.

Lands in particular does not show or suggest activating an application based on an orientation context value. Instead, the user must press a button to activate paging, volume control, brightness control and zoom control in Lands. (See Lands column 3, lines 41-53).

Since none of the cited references activate an application using an orientation context value, the combination of cited art and Mantyjarvi does not show or suggest the invention of claim 14.

Conclusion

In light of the above remarks, claims 9, 14 and 34-55 are in form for allowance. Reconsideration and allowance of the claims is respectfully requested. Applicants gratefully acknowledge the allowance of claims 5 and 12 in the last Office Action.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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